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U.S. DISTRICT COURT
MAY 10 2005

EXHIBIT A

**Commonwealth of Massachusetts
WORCESTER SUPERIOR COURT
Case Summary
Criminal Docket**

Commonwealth v Leo, Anthony M

Details for Docket: WOCR2002-00830

Case Information

Docket Number:	WOCR2002-00830	Caption:	Commonwealth v Leo, Anthony M
Entry Date:	06/13/2002	Case Status:	Crim 1 (204 Worcester)
Status Date:	06/26/2003	Session:	Active
Lead Case:	NA	Deadline Status:	Deadline act
Trial Deadline:	06/17/2002	Jury Trial:	NO

Parties Involved

3 Parties Involved in Docket: WOCR2002-00830

Party Involved:	Role:	Defendant
Last Name: Leo	First Name:	Anthony M
Address: 5 Paul Tivnan Road	Address:	
City: West Boylston	State:	MA
Zip Code: 01583	Zip Ext:	
Telephone:		

Party Involved:	Role:	Plaintiff
Last Name: Commonwealth	First Name:	
Address:	Address:	
City:	State:	
Zip Code:	Zip Ext:	
Telephone:		

Party Involved:	Role:	Police agency
Last Name: Worcester Police Department	First Name:	
Address:	Address:	

City:**State:****Zip Code:****Zip Ext:****Telephone:**

Attorneys Involved

6 Attorneys Involved for Docket: WOCR2002-00830

Attorney Involved:		Firm Name:
Last Name:	Cronin	First Name: Daniel W
Address:	PO Box 676	Address: 31 Turkey Hill Road
City:	Lunenburg	State: MA
Zip Code:	01462	Zip Ext:
Telephone:	978-582-0700	Tel Ext:
Fascimile:	978-582-9997	Representing: Leo, Anthony M (Defendant)
Attorney Involved:		Firm Name: WORC02
Last Name:	Reilly III	First Name: Joseph J
Address:	2 Main Street	Address: Courthouse Room 220
City:	Worcester	State: MA
Zip Code:	01608	Zip Ext: 1176
Telephone:	508-755-8601	Tel Ext:
Fascimile:	508-831-9899	Representing: Commonwealth, (Plaintiff)
Attorney Involved:		Firm Name: MA154
Last Name:	Roemer	First Name: John
Address:	340 Main Street	Address: Room 724
City:	Worcester	State: MA
Zip Code:	01608	Zip Ext: 1601
Telephone:	508-791-9288	Tel Ext:
Fascimile:	508-753-7662	Representing: Leo, Anthony M (Defendant)
Attorney Involved:		Firm Name: FISH03
Last Name:	Goggins	First Name: John M
Address:	47 Harvard Street	Address:

City:	Worcester	State:	MA
Zip Code:	01609	Zip Ext:	2876
Telephone:	508-791-3466	Tel Ext:	5088
Fascimile:		Representing:	Leo, Anthony M (Defendant)

Attorney Involved:		Firm Name:	GLIC01
Last Name:	Gribouski	First Name:	James J
Address:	11 Harvard Street	Address:	PO Box 2917
City:	Worcester	State:	MA
Zip Code:	01613	Zip Ext:	2917
Telephone:	508-756-6206	Tel Ext:	
Fascimile:	508-831-0443	Representing:	Leo, Anthony M (Defendant)

Attorney Involved:		Firm Name:	
Last Name:	LoConto	First Name:	Christopher P
Address:	120 Main Street	Address:	
City:	Worcester	State:	MA
Zip Code:	01608	Zip Ext:	1170
Telephone:	508-795-1300	Tel Ext:	
Fascimile:	508-791-7300	Representing:	Leo, Anthony M (Defendant)

Calendar Events

43 Calendar Events for Docket: WOCR2002-00830

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	06/17/2002	09:00	Arraignment	1	Event held as scheduled
2	07/16/2002	09:00	Conference: Pre-Trial	1	Event not held--joint request
3	07/18/2002	09:00	Conference: Status Review	1	Event held as scheduled
4	10/21/2002	09:00	Conference: Status Review	1	Event held as scheduled
5	11/14/2002	09:00	Hearing: Non-evidentiary-Counsel	1	Event held as scheduled
6	11/22/2002	09:00	Conference: Status Review	1	Event rescheduled by court prior date
7	12/09/2002	09:00	Conference: Status Review	1	Event held as scheduled
8	12/19/2002	09:00	Conference: Status Review	1	Event held as scheduled
9	01/10/2003	09:00	Conference: Pre-Trial	1	Event held as scheduled

10	02/10/2003	09:00	Conference: Pre-Trial	1	Event held as scheduled
11	02/19/2003	09:00	Conference: Pre-Trial	1	Event held as scheduled
12	03/20/2003	09:00	Conference: Pre-Trial	1	Event held as scheduled
13	05/22/2003	09:00	Bail: Review	1	Event held as scheduled
14	06/04/2003	09:00	Conference: Pre-Trial	1	Event rescheduled by court prior date
15	06/23/2003	09:00	Conference: Status Review	1	Event held as scheduled
16	07/17/2003	09:00	Conference: Status Review	1	Event held as scheduled
17	08/28/2003	09:00	Conference: Status Review	1	Event held as scheduled
18	09/12/2003	09:00	Conference: Status Review	1	Event held as scheduled
19	10/30/2003	09:00	Hearing: Non-evidentiary-Counsel	2	Event held as scheduled
20	10/31/2003	09:00	Hearing: Motion	1	Event held as scheduled
21	11/10/2003	09:00	Hearing: Evidentiary-suppression	1	Event rescheduled by court prior date
22	12/10/2003	09:00	Hearing: Motion	1	Event held as scheduled
23	12/16/2003	09:00	Hearing: Motion	1	Event held as scheduled
24	01/15/2004	09:00	Conference: Status Review	1	Event held as scheduled
25	01/15/2004	09:00	Conference: Status Review	1	Event held as scheduled
26	02/26/2004	09:00	Hearing: Evidentiary-suppression	1	Event canceled not re-scheduled
27	02/26/2004	09:00	Hearing: Non-evidentiary-Counsel	1	Event held as scheduled
28	04/07/2004	09:00	TRIAL: by jury	1	Event canceled not re-scheduled
29	04/12/2004	09:00	Conference: Pre-Trial	1	Event held as scheduled
30	04/13/2004	09:00	Hearing: Non-evidentiary-Counsel	1	Event held as scheduled
31	05/14/2004	09:00	Conference: Status Review	1	Event held as scheduled
32	06/11/2004	09:00	Conference: Status Review	1	Event held as scheduled
33	07/23/2004	09:00	Conference: Pre-Trial	1	Event held as scheduled
34	09/16/2004	09:00	Hearing: Evidentiary-suppression	1	Event not reached by Court
35	10/01/2004	09:00	Hearing: Evidentiary-suppression	1	Event rescheduled by court prior date
36	10/07/2004	09:00	Hearing: Evidentiary-suppression	1	Event canceled not re-scheduled
37	10/07/2004	09:00	Hearing: Non-evidentiary-Counsel	1	Event held as scheduled
38	11/05/2004	09:00	Hearing: Evidentiary-suppression	1	Event not held--req of Defendant
39	12/02/2004	09:00	Hearing: Evidentiary-suppression	1	Event continues over multiple days
40	12/17/2004	09:00	Bail: Review	1	Event not held--joint request
41	12/21/2004	09:00	Bail: Review	1	Event moved to another session

42	12/21/2004	09:00	Bail: Review	2	Event held as scheduled
43	02/03/2005	14:00	Hearing: Evidentiary-suppression	1	

Full Docket Entries

107 Docket Entries for Docket: WOCR2002-00830

Entry Date:	Paper No:	Docket Entry:
06/13/2002	1	Indictment returned
06/17/2002		Deft arraigned before Court (Donohue,J)
06/17/2002		Committee for Public Counsel Services appointed
06/17/2002		Legal counsel fee assessed: \$100.00
06/17/2002		RE Offense 1:Plea of not guilty
06/17/2002		RE Offense 2:Plea of not guilty
06/17/2002		RE Offense 3:Plea of not guilty
06/17/2002		RE Offense 4:Plea of not guilty
06/17/2002		RE Offense 5:Plea of not guilty
06/17/2002		RE Offense 6:Plea of not guilty
06/17/2002		RE Offense 7:Plea of not guilty
06/17/2002		RE Offense 8:Plea of not guilty
06/17/2002		Bail set: \$5,000.000.00 with surety or \$500,000.00 without prejudice
06/17/2002		(Donohue,J)
07/18/2002	3	ORDERED: that the Defendant submit to the taking of a specimen
07/18/2002		consisting of a sample of whole blood from his person for the purpose
07/18/2002		of comparative analysis by the Department of State Police Crime
07/18/2002		Laboratory or Cellmark Diagnostics. It is further ordered that the
07/18/2002		above-described procedure be performed in a forensically acceptable
07/18/2002		manner by an individual certified in the DNA collection kits. (Leila
07/18/2002		Kern, Justice)
07/18/2002	2	Motion by Commonwealth: For Blood Sample - ALLOWED (Kern,J)
07/18/2002		After hearing same bail (Kern,J)
09/09/2002	4	Motion by Deft: to Dismiss Appointed Counsel and to Appoint New
09/09/2002		Counsel
11/04/2002	5	Motion by Deft: for Disclosure of Follow-Up Investigations
11/14/2002		RE: Paper #4:Motion by Deft: to dismiss appointed counsel and to
11/14/2002		appoint new counsel; After hearing, no action taken given court's
11/14/2002		allowance of counsel's motion to withdraw on 11/14/02. (John
11/14/2002		S.McCann, J.)
11/14/2002	6	Withdrawal of appearance requested by John Roemer by written motion

11/14/2002 6 with accompanying affidavit filed in court.

11/14/2002 Motion (P#6) allowed (John S. McCann, Justice). Parties notified in open court.

11/14/2002 Appointment of Counsel John M Goggins

03/20/2003 7 Motion by Deft: for funds for a forensic psychiatric evaluatlon filed in court. Allowed by the Court.John S. McCann, Justice.

03/20/2003 7 Deft files motion for funds - Allowed (Goggins,J)

03/28/2003 8 Court Reporter Rattigan, Linda is hereby notified to prepare one copy of the transcript of the evidence of July 18, 2003.

04/03/2003 9 Transcript of testimony received volumes # 1 Bail hearing from court reporter, Rattigan, Linda

04/22/2003 10 Motion by Deft: To Revisit the Issue of Bail - DENIED - Declined to Act - No Change in Circumstances (Sweeney,J) - copy sent 5/22/03

05/22/2003 12 Motion by Deft: Motion For Funds - ALLOWED (Sweeney,J)

05/22/2003 11 NOTICE of APPEAL FILED by Anthony M Leo

06/19/2003 13 Notice of Docket Entry from Supreme Judicial Court for Suffolk county - Your are hereby notified that on June 18, 2003, the following was entered on the docket of SJ-2003-0258 JUDGMENT:

06/19/2003 13 denying relief under c211 s3 after a hearing (Sosman,J) (See Judgment)

06/26/2003 14 Notice of Entry of appeal received from the Supreme Judicial Court

08/01/2003 15 Deft files Motion for funds (pharmacologist and toxicologist evaluation)

08/01/2003 Motion (P#15) allowed in an amount not to exceed \$1500.00 at the authorized CPCs rate (Ralph D. Gants, Justice).

08/01/2003 16 Motion by Deft: for Funds and Affidavit , filed in Court and IMPOUNDED by the Court (McCann, J)

10/31/2003 17 Motion by Deft: to Impound Motion for Funds and Affidavit in Support, filed in Court

10/31/2003 18 Motion (P#17) allowed (John S. McCann, Justice). Counsel present

12/10/2003 19 Motion by Deft: to Impound

12/16/2003 19 Motion by Deft: NEW MOTION TO IMPOUND

12/16/2003 20 Motion by Deft: MOTION FOR FUNDS FOR A FORENSIC PSYCHIATRIST (IMPOUNDED)

12/16/2003 Hearing on (P#19 & 20) motion to impound and motion for funds held, matter taken under advisement (Fahey,J.)

12/16/2003 Motion (P#19) allowed, After hearing and consideration, this motion to impound is allowed, good cause hearing been shown (Elizabeth M. Fahey, Justice). Copies mailed December 16, 2003

12/16/2003 Motion (P#20) allowed up to \$2,800.00 ie up to \$350.00 per hour up to eight hours (Elizabeth M. Fahey, Justice). Copies mailed December 16, 2003

12/16/2003 Papers #18,19,20 are impounded in locked cabinet
01/15/2004 21 Motion by Deft: Motion to continue for a status conference
02/12/2004 22 Deft files motion to suppress evidence obtained from warrantless search with memorandum in support of
02/12/2004 23 Deft files motion to suppress evidence obtained with invalid search warrant and affidavit in support of
02/26/2004 24 Withdrawal of appearance filed by John M Goggins with affidavit in support of - Allowed after hearing (Agnes,J)
02/26/2004 24 Appointment of Counsel Daniel W Cronin, pursuant to Rule 53
04/12/2004 25 Withdrawal of appearance requested by Daniel W Cronin
04/12/2004 Motion (P#25) denied w/o prejudice (Jeffrey A. Locke, Justice).
04/12/2004 26 Remand order to Worcester House of Correction
04/13/2004 Motion (P#25) allowed after hearing (Jeffrey A. Locke, Justice).
04/13/2004 Copies mailed April 14, 2004
04/13/2004 27 Appearance of Deft's Atty: James J Gribouski
06/11/2004 28 Defendant's files in court Motion to Impound Motion for funds for a forensic psychiatrist with supporting affidavit.
06/11/2004 Motion (P#28) allowed without prejudice (Isaac Borenstein, Justice).
06/11/2004 Counsel present June 11, 2004
06/11/2004 29 Motion by Deft: filed in court. Motion for funds for forensic psychiatrist and supporting affidavit.
06/11/2004 Motion (P#29) allowed (Isaac Borenstein, Justice). Copies mailed June 11, 2004
06/11/2004 30 Motion to Withdraw of appearance requested by James J Gribouski - ALLOWED (Fishman,J.)
10/07/2004 30 Appointment of Counsel Christopher P LoConto, pursuant to Rule 53
12/02/2004 Defendant's oral motion for transcript
12/02/2004 Motion allowed (Timothy S. Hillman, Justice).
12/02/2004 31 ORDERED: for Court Reporter Claire Pender to prepare transcript of proceeding of 12/2/04 (Timothy S. Hillman, Justice)
12/02/2004 31 Deft files motion to revisit the issue of bail pursuant to M.G.L.c.
12/02/2004 32 276, s 58, sixth paragraph under changed circumstances
12/21/2004 Motion (P#32) denied (Hillman., Justice). There being no change in the defendant's circumstances, the within motion is denied (copies mailed)
12/21/2004
12/21/2004
12/21/2004

Charges

8 Charges for Docket: WOCR2002-00830

No.	Charge Description:	Indictment:	Status:
1	LARCENY FROM BUILDING c266 s20		Plea of not guilt
2	RAPE, AGGRAVATED c265 s22(a)		Plea of not guilt
3	RAPE, AGGRAVATED c265 s22(a)		Plea of not guilt
4	RAPE, AGGRAVATED c265 s22(a)		Plea of not guilt
5	B&E DAYTIME FOR FELONY, PERSON IN FEAR c266 s17		Plea of not guilt
6	LARCENY FROM BUILDING c266 s20		Plea of not guilt
7	RAPE, AGGRAVATED c265 s22(a)		Plea of not guilt
8	B&E DAYTIME FOR FELONY c266 s18		Plea of not guilt

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Commonwealth v Leo, Anthony M

Docket Entry Details for Docket: WOCR2002-00830

No. Docket Entry:

- 1 Motion (P#32) denied (Hillman., Justice). There being no change in
- 2 the defendant's circumstances, the within motion is denied (copies
- 3 mailed)

**Docket
Details:**

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[Attorneys](#)

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EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)
ANTHONY LEO,)
Petitioner,)
v.) Civil Action No. 04-11006-JLT
COMMONWEALTH OF)
MASSACHUSETTS,)
Respondent.)

)

AFFIDAVIT OF JOSEPH J. REILLY, III, ESQ.

Commonwealth of Massachusetts
Worcester, ss.

1. I am currently employed as an Assistant District Attorney in the Office of the District Attorney for Middle District (covering almost the entirety of Worcester County). In this capacity, I am the Assistant District Attorney responsible for the prosecution of Anthony Leo (the defendant) in Worcester Superior Court Criminal Case No. WOCR2002-00830. I am familiar with the facts and circumstances of this criminal prosecution.

2. Since the inception of this criminal proceeding, the defendant has never, to the best of my knowledge, made motion for speedy trial (or for a trial date) in state court.

3. The Commonwealth has acted promptly and in good faith to fulfill its obligations with respect to the prosecution of this case. The delay in setting a trial date in the defendant's case is not due to any act or omission on the part of the

Commonwealth, but instead is due to the fact that the defendant has been represented by numerous attorneys and has filed numerous motions in this case.

4. The relevant facts regarding the pre-trial proceedings in this case are as follows: the defendant was indicted on criminal charges on June 13, 2002. On June 17, 2002, he was arraigned on those charges in Worcester Superior Court. On July 18, 2002, the defendant was ordered to provide a sample for purposes of DNA testing. In early December 2002, the Commonwealth received the results of the DNA testing in this case. I promptly provided this information to defense counsel.

5. By February 14, 2003, the Commonwealth had fully complied with all discovery obligations with respect to the criminal case. Since that time, the Commonwealth has been ready to proceed to trial. By contrast, I have never received any reciprocal discovery from the defendant's attorneys.

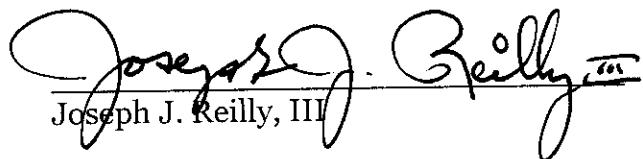
6. As the docket sheet in the criminal case reflects, the defendant has filed numerous motions since the beginning of this case. These motions have been a cause of delay of the criminal court proceedings.

7. The criminal trial has also been delayed by the fact that the defendant has been represented by five (5) different attorneys in Superior Court. The first attorney to represent the defendant in Superior Court was removed from the case after he and the defendant both moved for his removal.

8. Each of the other attorneys who have represented the defendant in Superior Court (prior to the defendant's current counsel) has moved to withdraw from representation of the defendant. To the best of my knowledge, the defendant has not objected to the withdrawal of any of these attorneys. Indeed, on every occasion on which a Superior Court judge reminded the defendant that allowing his attorney to

withdraw could delay the criminal case, the defendant has indicated that he assented to his attorney's withdrawal, regardless of the delay.¹

Signed under the penalties of perjury,



Joseph J. Reilly, III

Dated: December 17, 2004

On this 17 day of Dec. 2004, the undersigned notary public, personally appeared Joseph J. Reilly III, proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person whose name is signed on the preceding or attached document in my presence.



Sandra L. Hautanen

Sandra L. Hautanen
Notary Public
My Commission Expires:
January 7, 2011

¹ The transcripts of the hearings on the motions to withdraw have not, to the best of my knowledge, been prepared and are not available at this time.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1598

THOMAS F. REILLY
ATTORNEY GENERAL

(617) 727-2200

www.ago.state.ma.us

January 3, 2005

Via First Class Mail

Clerk of Courts
United States District Court,
District of Massachusetts
John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, Massachusetts 02210

Re: Anthony Leo v. Commonwealth of Massachusetts
Civil Action No. 04-11006-JLT

Dear Sir or Madam:

Enclosed for filing please find Exhibits A and B to the respondent's Memorandum of Law In Opposition to Petition for Writ of Habeas Corpus. The Memorandum itself was electronically filed with the Court earlier today.

Please do not hesitate to contact me if you have any questions regarding the enclosed. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Maura D. McLaughlin".

Maura D. McLaughlin

